

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DAVID GOLDSTINE,

Plaintiff,

v.

FEDEX FREIGHT INC,

Defendant.

CASE NO. C18-1164 MJP

ORDER ON MOTIONS IN LIMINE

This matter comes before the Court on the following:

1. Plaintiff's Motions in Limine (Dkt. No. 248), and Defendant's responses (Dkt. No. 264);
2. Defendant's Motions in Limine (Dkt. Nos. 242), and Plaintiff's responses (Dkt. No. 245); and
3. Defendant's Supplemental Motions in Limine (Dkt. No. 251), and Plaintiff's Motion to Strike/responses (Dkt. No. 271).

1 Having reviewed the pleadings and all supporting materials and having provided its
2 ruling orally at the Pretrial Conference held on October 22, 2020, the Court ORDERS as follows:

3 1. As to Plaintiff's Motions in Limine (Dkt. No. 248):

4 a. The Court GRANTS the following Motions: 1, 4, and 5. As to Motion No.

5 1, the Parties may only refer to the fact of the investigation and the fact

6 that the allegations which prompted the investigation were found to be

7 unsubstantiated. The Court will not allow any evidence or testimony

8 concerning the substance of the investigation or mention of a gun.

9 b. The Court DENIES the following Motions: 2, 3, 6, 7, and 8. As to Motion

10 No. 7, the Court DENIES this Motion as unripe.

11 2. As to Defendant's Motions in Limine (Dkt. Nos. 242, 251):

12 a. The Court GRANTS the following Motions: 2, 3, 4, 6, and 8.

13 b. The Court DENIES the following Motions: 1, 5, 9, 10, and 11. As to

14 Motion No. 1, the Court will resolve this issue through a limiting

15 instruction. As to Motion No. 5, Plaintiff will not be barred from showing

16 evidence of his knee, but the Court clarified that Plaintiff should prepare a

17 photograph of his knee for use at trial in lieu of doing so on video. As to

18 Motions Nos. 9-11, the Court noted that these were untimely filed and

19 subject to being stricken for that reason, but the Court considered them on

20 their merits. The Court DENIES Motions Nos. 9 and 10 and DENIES AS

21 MOOT Motion No. 11. The Court DENIES Plaintiff's Motion to Strike as

22 MOOT.

23 c. The Court RESERVES RULING on Motion No. 7.

1 The clerk is ordered to provide copies of this order to all counsel.

2 Dated October 23, 2020.

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4 Marsha J. Pechman
5 United States District Judge
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